



2001 SENATE BILL 212

June 28, 2001 - Introduced by Senators RISSER, ROESSLER, BURKE, DECKER, HUELSMAN and HANSEN, cosponsored by Representatives KRUG, MUSSER, BOCK, URBAN, HAHN, ALBERS and OTT. Referred to Committee on Privacy, Electronic Commerce and Financial Institutions.

1 **AN ACT to create** 134.74 of the statutes; **relating to:** restrictions on the
2 transmission of unsolicited electronic mail.

Analysis by the Legislative Reference Bureau

Current law restricts the transmittal of unsolicited messages by facsimile machine for the purpose of encouraging customers to purchase property, goods, or services. This bill imposes similar restrictions on the transmittal of unsolicited electronic mail for this purpose. Under the bill, a person sending such electronic mail (solicitor) may not transmit an unsolicited message without the consent of the person being solicited unless the message is sent during nighttime hours and will be less than one page in length if printed and the person being solicited has or has had a previous business relationship with the solicitor.

The bill also imposes a prohibition on any electronic mail solicitation to a person who has notified a solicitor in writing or by electronic mail that the person does not want to receive electronic mail solicitations.

The restrictions and prohibitions under the bill do not apply to a person who provides computer users with access to a computer network and who, as part of that service, transmits electronic mail to those users.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 134.74 of the statutes is created to read:

SENATE BILL 212

1 **134.74 Restrictions on unsolicited electronic mail. (1) DEFINITIONS.** In
2 this section:

3 (a) “Electronic mail solicitation” means the unsolicited transmission of a
4 message by electronic mail for the purpose of encouraging a person to purchase
5 property, goods, or services.

6 (b) “Solicitor” means a person who makes an electronic mail solicitation.

7 **(2) RESTRICTIONS.** No solicitor may make an electronic mail solicitation without
8 the prior consent of the person solicited unless all of the following apply:

9 (a) The electronic mail solicitation will not exceed one page in length if printed.

10 (b) The electronic mail solicitation is transmitted after 9 p.m and before 6 a.m.

11 (c) The solicitor has or has had a business relationship with the person
12 solicited.

13 **(3) PROHIBITION.** No solicitor may make any electronic mail solicitation to a
14 person who has notified the solicitor in writing or by electronic mail that the person
15 does not want to receive electronic mail solicitations.

16 **(4) EXCEPTIONS.** Subsections (2) and (3) do not apply to a person who provides
17 computer users with access to a computer network and who, as part of that service,
18 transmits electronic mail solicitations, other than electronic mail solicitations
19 prepared by the person providing access to the computer network, to those users.

20 **(5) TERRITORIAL APPLICATION.** This section applies to any electronic mail
21 solicitation received by a person in this state.

22 **SECTION 2. Initial applicability.**

23 (1) This act first applies to electronic mail solicitations transmitted on the
24 effective date of this subsection.

25

(END)